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SUBJECT: AMBASSADOR RAISES POLITICAL DETAINEES/PRISONERS IN
INTRODUCTORY CALL WITH JUSTICE MINISTER

Classified By: Amb. Marie Yovanovitch, reasons 1.4 (b,d)

11. (C) SUMMARY: The Ambassador's November 10 introductory call on Justice Minister Gevorg Danielyan focused on a review of his priorities and recent reform efforts, as well as a discussion on opposition-linked prisoners/detainees from the March 1 events. The Ambassador asked about the possibility of amnesty for those defendants. The Ambassador stressed that resolving the situation would improve the government's democratic legitimacy at home and abroad. The Minister maintained that such leniency was highly unlikely in the current atmosphere, contending there was substantive evidence of crimes committed by those charged. END SUMMARY

MOJ PRIORITIES AND REFORM EFFORTS

12. (C) During the Ambassador's introductory call on Justice Minister Gevorg Danielyan on November 10, the Minister reviewed a number of legal issues and provided a survey of recent reform efforts. High priorities for the Minister were the execution of civil and criminal judgments, (including the administration of property auctions to reduce corruption risks), and reforming the court structure and the jurisdiction of judges. The Justice Minister also discussed the creation of a bail service, reforming the law on notaries, the administration of Armenia's jails, and the Ministry's responsibility for representing Armenia before the European Court of Human Rights. The Minister noted that there have been eight prior judgments against Armenia in the Court, with sixty cases pending, and over 800 applications also pending. The Minister was quick to point out that of the 800 applications, approximately 500 are property claims from citizens of Azerbaijan (NOTE: Presumably displaced refugees from the 1990s Nagorno Karabakh war. END NOTE).

3.(C) The Justice Minister also mentioned the Armenian imprisonment rate, which he reported as 106 persons imprisoned for every 100,000 persons. The Minister stated that Armenia has lenient sanctions for criminal behavior, and that such sentencing needed to be addressed. He also noted that Armenian criminals often travel to the U.S. or to Russia, and called the influx of thieves to Russia a Trojan Horse from Armenia. The Ambassador asked about the status of reforming Armenia's Criminal Procedure Code. The Minister responded that the drafts are far from complete and the deadline is not until May 2009. He stated that his goals were to widen the rights of suspects in criminal proceedings, strengthen protections for

witnesses and victims, and make the process more transparent to reduce the risk of corruption.

USG CONCERN ON MARCH 1 DETAINEES

4.(C) The Ambassador pressed the Minister regarding the fairness of the trials of the government,s political opponents following the flawed presidential election and the March 1 violence that left 10 dead. The Ambassador noted how important it is for Armenia to reconcile the post-election events, for two reasons: first, to move forward internally and, second, to repair Armenia,s reputation in the world. The Ambassador suggested that while the judicial process was one way to move forward, another way was for the Armenian President to support reconciliation through an amnesty.

MINISTER: THESE ARE LEGAL NOT POLITICAL ISSUES

15. (C) The Minister argued that the issue of the pending criminal trials was a legal issue to be solved in a legal, not political, way. The Minister reviewed recent events which he claimed mitigated against the idea of amnesty or pardons. Such events, he said, included the appearance of international criticism in formal political documents, and "orchestrated" activities of the opposition in

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publicly rejecting calls for presidential leniency. Furthermore, the Minister maintained that political maneuvering should not and could not interfere with pending criminal trials.

16. (C) The Ambassador countered by noting that it is not positive for Armenia's international reputation for the trials against political opponents to continue for an extended time. She reiterated that an amnesty would be a sign of the Armenian President,s strength and magnanimity. The Minister argued that many political opponents would not accept an amnesty or pardon, as they would seek to have their case fully adjudicated in the courts. The Ambassador responded that while it is for the Armenian authorities to decide what is feasible, any act of generosity initiated by the President in these cases would have a pronounced international and internal benefit.

17. (C) After repeating his assertion that presidential leniency would be challenged in the courts by defendants seeking a full acquittal, the Minister went on to review the case pending against a Member of Parliament who was allegedly found in possession of a substantial cache of weapons and ammunition. The Minister said such cases must be adjudicated in the courts, especially given the climate in which defendants are claiming to be heroes and are supported by the opposition. He concluded by acknowledging that the Ambassador,s concerns were fair, but argued that such concerns could not be addressed "unless a certain atmosphere is created." Still, the Minister did not completely exclude the possibility that the President would ultimately opt for an amnesty or pardons in some cases.

COMMENT

18. (C) Despite persistent rumors of an impending presidential decision to amnesty or pardon at least some of the March 1 defendants, we have picked up no signal from President Sargsian that he is seriously considering such a decision. In fact, more recently, the President has made clear to us he will not consider political actions until the judicial process has run its course. A lack of progress on the detainee issue could cost Armenia its voting rights within the Council of Europe in January, and is doing significant damage to the government's reputation abroad and legitimacy at home. Even though opposition street demonstrations have ended and the government is under no immediate pressure from its opponents, the GOAM seems determined to stay the course on detainees despite the possible costs.

YOVANOVITCH